

DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
Fort Lesley J. McNair, DC 20319-5058

MDW Regulation
NO. 690-13

4 February 1998

Civilian Personnel
INJURY COMPENSATION


FOR THE COMMANDER:

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DISTRIBUTION:

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History. This regulation was first published 20 October 1995. This revision includes all policy changes made since that time.

Summary. This regulation prescribes policies, responsibilities, and procedures to administer the Federal Employees' Compensation Act (FECA) Program IAW 5 U.S.C. 8101 and DoD Directive 1438.3. It establishes the MDW Civilian Personnel Director as the Command FECA Program Administrator.

Applicability. This regulation applies to U.S. Army Military District of Washington (MDW) and MDW-supported civilian employees paid from appropriated funds.

Suggested improvements. The proponent of this regulation is the MDW Directorate of Civilian Personnel (ANCP-Z). Users are invited to send comments and suggested improvements on DA Form 2028 to Cdr, MDW, ATTN: ANCP-Z, 103 Third Avenue, Fort Lesley J. McNair, DC 20319-5058.

Supplementation. Supplementation is prohibited except upon approval of the Commander, MDW. Proposed supplements must be fully justified in writing and submitted for approval to Cdr, MDW, ATTN: ANCP-Z, 103 Third Avenue, Fort Lesley J. McNair, DC 20319-5058.

This supersedes MDW regulation 690-13, dated 20 October 1995.

1. Purpose

a. Prescribe policies, responsibilities, and procedures to administer the Federal Employees' Compensation Act Program IAW Title 5, United States Code, Subpart G, Chapter 81, 13 May 1987.

b. Ensure that all employees injured on the job or who incur occupational illness receive prompt medical attention and full assistance in claiming just compensation.

c. Support Army goals to reduce injuries and occupational illness and compensation costs.

2. Explanation of abbreviations and terms

Abbreviations and special terms used in this regulation are explained in the glossary.

3. References

Related publications are listed in the Appendix A.

4. Responsibilities

a. The MDW FECA Program Administrator will

(1) Serve as chairperson of the MDW program committee responsible to coordinate various aspects of the MDW-wide Injury Compensation Program.

(2) As chairperson of the MDW program committee, establish policy, set goals, and ensure program implementation in MDW and on MDW Installations.

b. The MDW Civilian Injury and Illness Compensation Committee will establish policy to ensure

(1) Verification of injury compensation claim costs.

(2) Claim tracking and feedback system encompasses all costs.

(3) Command emphasis to motivate managers, supervisors, and workers to reduce injuries and related costs.

(4) Effective program of medical evaluation and treatment of injured employees.

(5) Timely and accurate reporting of job-connected injury or illness claims.

(6) Quarterly review of OWCP charge-back report by activity FECA program administrators and staff in the civilian personnel, medical, and safety offices.

(7) Establishment of program goals.

(8) Establishment of installation FECA working groups.

(9) Appointment of installation FECA program administrator(s).

(10) Establishment of return to work/light duty program.

(11) Effective training programs are available.

(12) Establishment of effective command evaluation and assistance programs.

c. Installation commanders will:

(1) Demonstrate support for the CRCP through a written command policy letter.

(2) Provide command emphasis to motivate managers, supervisors, and workers to curtail the human and financial losses of job-related occupational illnesses and injuries.

(3) Ensure a safe and healthful working environment is provided to all installation personnel.

(4) Establish and chair the Safety and Occupational Health Advisory Council which should meet at least quarterly.

(5) Establish and appoint a staff member as the Installation FECA Program Administrator.

(6) Establish and appoint an installation FECA working committee. Membership should include resource management, safety, occupational health, civilian personnel, and others at the discretion of the commander/committee. The committee should meet monthly or as needed, but not less than quarterly.

(7) Establish a safety awards program to recognize installation activities achieving reductions in civilian injuries and occupational illnesses in the work place.

(8) Hold supervisors accountable for safety through job descriptions, performance standards, performance evaluations, and military efficiency reports.

(9) Ensure that the appropriate authorities promptly investigate all instances of alleged fraud or appearances of abuse.

(10) Establish and implement effective return-to-work programs which include light and limited duty programs.

(11) Ensure DOL charge-back report is reviewed for validity and possible fraud and abuse.

(12) Ensure adequate medical facilities are available for emergency treatment and first aid; encourage use of on-site medical facilities by injured employees for initial diagnoses and duty status evaluations.

(13) Ensure FECA program administrator and supervisors receive sufficient training in FECA program administration, policies, and regulations.

d. Installation FECA Program Administrator will:

(1) Coordinate the workers' compensation program administration at the local level.

(2) Serve as chairperson of the installation FECA working committee.

(3) Serve on the installation SOHAC.

(4) Advise the installation commander on program status, including major problems and recommended corrective actions.

(5) Present installation action plan progress reports at each SOHAC meeting.

(6) Ensure implementation of installation light duty program.

(7) Encourage referral of injured employee to installation occupational health clinic.

e. Installation FECA Working Group will:

(1) Develop installation action plan.

(2) Advise commanders and supervisors of FECA program status.

(3) Review and validate the DOL quarterly charge-back billing for the installation. Notify MDW FECA Program Administrator and OWCP district offices immediately if discrepancies are found. Follow up to ensure that corrections have been made.

(4) Identify suspected fraud cases to the proper authority.

(5) Publicize program throughout the installation so employees and management are aware of their rights, benefits, responsibilities, and ongoing initiatives.

(6) Issue safety and occupational health and workers' compensation policies.

(7) Involve the MDW Public Affairs Office to increase employee awareness of the concerted efforts to reduce injuries and occupational illnesses and to publicize safety awards and activities receiving the awards.

(8) Issue local clinic first policy to encourage the use of military treatment facilities provided that such treatment is within the facility's capabilities and ensure that employees are advised of their rights under the FECA 5 USC 8103.

(9) Coordinate claims that appear to involve third-party liability with the legal office staff.

(10) Coordinate with the installation safety office and supporting occupational health office to ensure that injuries and occupational illnesses have been reported.

(11) Review long term roster and continuation of pay cases for further disposition and action.

(12) Facilitate and coordinate light duty program with CPAC, FECA coordinator, safety office, occupational health medical doctor, and supervisors.

f. Civilian Personnel Advisory Center will:

(1) Serve on the installation SOHAC and FECA working group.

(2) Advise supervisors and claimants of required actions and benefits that may pertain to a case.

(3) Coordinate with legal office on possible third-party liability claims.

(4) Provide management program status reports as required.

(5) Serve as POC between installation, DoD liaison, and OWCP district offices.

(6) Respond to inquiries from DoD liaison office and OWCP for additional information.

(7) Coordinate light duty actions with CPAC, DOL, and attending physician.

(8) Assist in restoring partially recovered employees to duty.

(9) Assist supervisors to develop jobs consistent with work limitations and medical advice to permit light or limited duty job placement.

(10) Provide job requirements and environmental conditions to attending physicians.

(11) Assist supervisors in controverting claims.

(12) Review, process, and advise on controversion cases.

(13) Schedule medical examinations for possible controversion.

(14) Coordinate with the Criminal Investigation Division on cases referred from the installation FECA working group.

(15) Ensure CA forms are available.

(16) Review CA forms and ensure they are properly completed before sending to DOL.

(17) Forward copies of CA-1/CA-2 forms to appropriate safety and occupational health officials.

(18) Maintain compensation case files for all active cases.

(19) Advise supervisors and claimants of required actions and benefits that may pertain to a case.

(20) Distribute FECA program and physical limitation regulations.

(21) Ensure FECA program training is available.

g. Installation Safety Office will:

(1) Serve on the installation SOHAC and FECA Working Committee.

(2) Perform work place inspections to identify unsafe, unhealthy, or hazardous conditions or operations.

(3) Provide ergonomic work place evaluations.

(4) Review job analysis sheets prepared by supervisors/leaders.

(5) Investigate accidents with/for the supervisor for job-related injuries/occupational illnesses. Ensure compliance with AR 385-40, Accident Reporting and Records.

(6) Analyze workers' compensation data to identify trends and develop targeted countermeasure programs based on analysis of injury/occupational illness data.

(7) Coordinate with the installation FECA administrator to help managers ensure supervisor/leader performance appraisals reflect safety responsibilities.

(8) Participate in installation education programs to include supervisor and employee training sessions.

(9) Implement standard hazard communication training.

(10) Establish safety awareness and communication programs.

(11) Maintain installation OSHA injury log and provide report to installation FECA working group quarterly.

(12) Ensure employee reports of unsafe actions or conditions are responded to in a timely manner and in accordance with regulations.

(13) Manage the commander's safety award program.

(14) Automate injury/occupational illness data, and provide feedback to supervisors/leaders.

(15) Appoint and train an installation safety data manager to become thoroughly knowledgeable of the workers' compensation data base at the U.S. Army Safety Center and when available, the Defense Injury and Unemployment Compensation data tracking system.

(16) Coordinate with supporting CPAC to ensure supervisor/leader evaluation report support forms (performance standards) reflect safety responsibilities.

h. Installation Directors of Resource Management will:

(1) Serve on the installation SOHAC and FECA working group.

(2) Pay annual compensation cost bill.

(3) Develop procedures for charging compensation costs to the lowest level possible.

(4) Monitor the cost goal and help ensure accuracy in compensation cases charged to the installation.

i. Installation Occupational Health Officials will:

(1) Serve on the installation SOHAC and FECA working group.

(2) Manage the medical aspects of the illness absence program in support of the installation workers' compensation program.

(3) Perform evaluation of injured employees to determine extent of their condition and to document findings in the medical record.

(4) Offer treatment or medical referral to employees who are injured or become ill on the job.

(5) Refer the employee to supervisor for initiation of appropriate paperwork.

(6) Coordinate with the supervisor to determine employee's suitability for return to work.

(7) Maintain contact with the attending physician to monitor employee's medical condition to return the employee to duty at the earliest possible date.

(8) Advise the attending physician as to the availability of light duty.

(9) Schedule follow-up examinations and provide supervisors with limitations and restrictions.

(10) Continue to monitor the condition as necessary until employee is returned to duty, reassigned or separated.

(11) Provide periodic medical reports to the MDW and installation FECA program administrators.

(12) Advise the members of the installation working group on preventive medical programs to reduce incidences of illness and injury, disability, and compensation cost.

(13) Review records of occupational illness and injury and compare with occupational health incident reports.

(14) Assist in investigation of incidents resulting in an injury compensation claim and identifying trends.

(15) Participate in education programs conducted at the installation; including local medical seminars, new employee orientation, and supervisory refresher training.

j. Supervisors will:

(1) Support the installation safety program by enforcing safe work practices.

(2) Support the installation workers' compensation program.

(3) Provide and maintain a safe and healthy work environment for all employees.

(4) Acknowledge receipt of CA forms from employees. Complete side two of the forms and forward the completed forms to the CPAC within 24 hours.

(5) Assist employee in initiating forms when no other person is able to act on his/her behalf.

(6) Ensure facts on compensation forms are properly investigated, fully documented, accurately reported, and controverted when appropriate.

(7) Assist employees to obtain medical treatment; encourage use of the local military treatment facility or contract occupational health unit.

(8) Refer employee to local military treatment facility upon recurrence of injury and/or return to duty.

(9) Notify the occupational health staff when an employee sustains an injury/occupational illness and arrange for transportation to the medical treatment facility or private physician or hospital.

(8) Notify employee's relatives or next of kin when an employee sustains a serious or life threatening injury.

(9) Maintain contact with the injured employee until employee is returned to work or declared permanently disabled by DOL.

(10) Provide training on and ensure the use of protective clothing and equipment. Counsel employees who fail to use protective clothing and equipment and document their noncompliance.

(11) Identify individuals who have demonstrated histories of misuse or abuse of the program and report suspected fraudulent claims to the installation FECA program administrator.

(12) Coordinate with installation FECA administrator regarding claim controversions.

(13) Provide payroll documentation of employee status by certifying sick or annual leave, continuation of pay, absence without pay, or absence without leave.

(14) Take appropriate action on absences beyond the identified physician's return-to-work date.

(15) Attempt to return fully recovered and partially recovered employees to duty.

(16) Develop and assist in restructuring jobs consistent with work limitations and medical advice to permit light or limited duty job placement for partially impaired.

(17) Notify installation FECA program administrator when an employee returns to work after lost time; process CA-3 form.

(18) Brief returning employee on measures to prevent recurrence of injury/occupational illness and refer them to Occupational Health Clinic for clearance to resume work.

(19) Follow the local regulation on physical limitation.

(20) Attend training on FECA program administration, including update training.

(21) Educate and train the employees regarding health hazards in the work place IAW AR 385-10.

(22) Investigate accidents, complete the appropriate injury/accident reports, and forward required copies to Installation Safety Office.

(23) Support commander's safety awards program.

(24) Cultivate a sound work ethic through positive attitude, strong personal values, and concerned leadership.

k. Employees will:

(1) Observe all safety instructions, procedures, and regulations including the proper use of personal protective clothing and equipment.

(2) Immediately report all job-related injuries or occupational illnesses to the supervisor on the appropriate form.

(3) Immediately report to the supervisor conditions or operating procedures that appear to present hazards IAW AR 385-10. Provide ideas for enhanced safety of the operation to the supervisor.

(4) Report to the local medical treatment facility for all work related injuries or occupational illnesses.

(5) Provide medical evidence of disability within 5 working days of claiming continuation of pay.

(6) Advise treating physicians of availability of light duty work and the employer's willingness to accommodate physical restrictions in the work place.

(7) Report for fitness for duty and/or independent medical examinations when directed.

(8) Not engage in any activity outside the federal workplace that is inconsistent with medical limitations or restrictions.

Appendix A

Related References

The Federal Employees' Compensation Act as amended,
Title 5, United States Code, Subpart G, Chapter 81, 13 May 1987.

Code of Federal Regulations 5, Part 353, Restoration to Duty
from Military Service or Compensable Injury, Revised
1 January 1994.

U.S. Department of Labor, CA-810, Injury Compensation for
Federal Employees, Revised February 1994.

DoD Directive 1438.3, DoD Injury Compensation Program,
13 Sep 1985.

DoD Instruction 6055.1, Department of Defense Occupational
Safety and Health Program, October 26, 1984.

AR 40-3, Medical, Dental and Veterinary Care.

AR 40-5, Preventive Medicine.

AR 385-10, Army Safety Program.

AR 385-40, Accident Reporting and Records.

AR 672-20, Incentive Awards.

AR 672-74, Safety Awards Program.

AR 690-300, Civilian Personnel Employment.

Glossary

Section I
Abbreviations

CPAC.....Civilian Personnel Advisory Center
 CPOC.....Civilian Personnel Operations Center
 CRCP.....Civilian Resource Conservation Program
 DOL.....Department of Labor
 CA-1.....DOL Form, Federal Employee's Notice of
 Traumatic Injury and Claim for Continuation of
 Pay/Compensation
 CA-2.....DOL Form, Federal Employee's Notice of
 Occupational Disease and Claim for Compensation
 CA-3.....Report of Termination of Disability and/or
 Payment
 FECA.....Federal Employees Compensation Act
 MDW.....U.S. Army Military District of Washington
 OSHA.....Occupational Safety and Health Administration
 OWCP.....Office of Workers' Compensation Program
 SOHAC.....Safety and Occupational Health Advisory Council

Section II
Terms

Charge-back Report
 Report of OWCP approved claims and their costs.

Federal Employees Compensation Act
 Outlines the statutory regulations for the workers' compensation
 program that are identified in Title 5, U.S.C., Chapter 81 as
 amended.

Office of Workers' Compensation Program
 The office within DOL that has responsibility for the
 administration of FECA.